

IN THE CLAIMS

1. (currently amended) An encoding/transmitting apparatus comprising:

input means for inputting data;

encoding means for encoding the data input by the input means;

storage means for storing encoded data generated by the encoding means;

multiplexing means for multiplexing the encoded data stored in the storage means and transmitting the multiplexed data to a predetermined receiving apparatus through a network; and

monitoring means for monitoring a state of the network, and for generating a stop command and supplying the stop command to the multiplexing means when the state of the network is undesirable,

~~wherein the multiplexing means controls a multiplexing rate thereof in accordance with the state of the network detected by the monitoring means~~

in which the encoding means stops an encoding process when an area occupied by data in the storage means is larger than a predetermined value, and performs the encoding process when the area occupied by the data in the storage means is smaller than the predetermined value,

in which the multiplexing means stops multiplexing in response to the stop command, and

in which, when the multiplexing means stops multiplexing in response to the stop command, the encoding means continues the encoding process until the area occupied by data in the storage means is larger than a predetermined value.

2. (canceled)

3. (previously presented) The encoding/transmitting apparatus according to claim 1, wherein the data includes audio data, and further comprising audio-data output control means that achieves fading-out of the audio data to be encoded before the encoding means is stopped, and achieves fading-in of the audio data when the encoding means is started again.

4. (previously presented) The encoding/transmitting apparatus according to claim 1, further comprising data-transmission-amount control means for storing and controlling an amount in which the multiplexing means can transmit data.

5. (previously presented) The encoding/transmitting apparatus according to claim 1, wherein the data includes a plurality of program data items, the encoding means encodes the program data items, independently of each other, the storage means stores the encoded program data items, independently of each other, and the multiplexing means multiplexes the encoded program data items, generating one output data item.

6. (currently amended) An encoding/transmitting method comprising:

a step of inputting data;

a step of encoding the data input in the step of inputting;

a step of storing, in storage unit, encoded data generated in the step of encoding the data; and

a step of multiplexing the encoded data stored in the storage unit and transmitting the multiplexed data, to a predetermined receiving apparatus through a network; and

a step of monitoring a state of the network, and generating a stop command when the state of the network is undesirable,

in which the encoding stops when an area occupied by data in the storage unit is larger than a predetermined value, and the encoding is performed when the area occupied by the data in the storage unit is smaller than the predetermined value,

in which the multiplexing stops in response to the stop command, and

in which, when the multiplexing stops in response to the stop command, the encoding continues until the area occupied by data in the storage unit is larger than a predetermined value

~~wherein, in the step of multiplexing the encoded data, a state of the network is input and a multiplexing rate is controlled in accordance with the state of the network, that has been input.~~

7. (canceled)

8. (previously presented) The encoding/transmitting method according to claim 6, wherein the data includes audio data, and audio-data output control unit is provided that achieves fading-out of the audio data to be encoded before the step of encoding is stopped, and achieves fading-in of the audio data when the step of encoding is started again.

9. (previously presented) The encoding/transmitting method according to claim 6, wherein the data includes a plurality of program data items, the program data items are encoded, independently of each other, in the step of encoding the data, the encoded program data items are stored in the storage unit, independently of each other, in the step of storing the encoded data, and the program data items are

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multiplexed in the step of multiplexing the encoded data,
thereby generating one output data item.